

MEMORANDUM

Agenda Item No. 11(A)(23)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: September 4, 2013

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution urging Chief
Financial Officer Jeff Atwater to
send Division of Funeral,
Cemetery, and Customer
Services examiners to conduct
on-site inspections of the
cemetery grounds located within
Miami-Dade County

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto.



R. A. Cuevas, Jr.
County Attorney

RAC/Imp




MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: September 4, 2013

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 11(A)(23)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(23)

9-4-13

RESOLUTION NO. _____

RESOLUTION URGING CHIEF FINANCIAL OFFICER
JEFF ATWATER TO SEND DIVISION OF FUNERAL,
CEMETERY, AND CUSTOMER SERVICES
EXAMINERS TO CONDUCT ON-SITE INSPECTIONS
OF THE CEMETERY GROUNDS LOCATED WITHIN
MIAMI-DADE COUNTY

WHEREAS, Miami-Dade County has an interest in protecting funeral and burial merchandise and services; and

WHEREAS, Miami-Dade County has an interest in ensuring cemetery grounds are properly maintained to avoid the public suffering emotional stress; and

WHEREAS, Florida Statute 497.262 requires every cemetery company or entity responsible for the care and maintenance of a licensed cemetery to ensure that the grounds, structures, and other improvements of a cemetery are well cared for and maintained in a proper and dignified condition; and

WHEREAS, Florida Statute 497.005(9) defines "care and maintenance" as the perpetual process of keeping a cemetery and its lots, graves, grounds, landscaping, roads, paths, parking lots, fences, mausoleums, columbaria, vaults, crypts, utilities, and other improvements, structures, and embellishments in a well-cared-for and dignified condition, so that the cemetery does not become a nuisance or place of reproach and desolation in the community; and

WHEREAS, Miami-Dade County has various licensed cemeteries that are not maintained in a proper and dignified condition; and

WHEREAS, tombstone vases at Miami-Dade County cemeteries are often stolen or damaged and not replaced; and

WHEREAS, Chief Financial Officer Jeff Atwater is an elected member of the Florida Cabinet and the State Department of Financial Services is under his purview; and

WHEREAS, the Division of Funeral, Cemetery, and Customer Services is a division of the State Department of Financial Services; and

WHEREAS, the Division of Funeral, Cemetery, and Customer Services is responsible for the enforcement and regulation of Florida Statutes Chapter 497; and

WHEREAS, Florida Statute 497.262 permits the Division of Funeral, Cemetery, and Customer Services to enact rules to govern the maintenance and care of existing cemeteries; and

WHEREAS, the Division of Funeral, Cemetery, and Customer Services has enacted rule 69K-6.002 to govern the maintenance and care of existing cemeteries by requiring the perpetual process of keeping a cemetery and its lots, graves, grounds, landscaping, roads, paths, parking lots, fences, mausoleums, columbaria, vaults, crypts, utilities, and other improvements, structures, and embellishments in a well-cared-for and dignified condition, so that the cemetery does not become a nuisance or place of reproach and desolation in the community which includes but is not limited to, any or all of the following activities: mowing the grass at reasonable intervals; raking and cleaning the grave spaces and adjacent areas; pruning of shrubs and trees; suppression of weeds and exotic flora; and maintenance, upkeep, and repair of drains, water lines, roads, buildings, and other improvements; and

WHEREAS, the Division of Funeral, Cemetery, and Customer Services employs field examiners who spend the majority of their time performing on-site inspections, examinations, and investigations of cemeteries throughout the State of Florida to ensure compliance with Florida Statutes Chapter 497 and with rule 69K-6.002,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1: Urges Chief Financial Officer Jeff Atwater to send Division of Funeral, Cemetery, and Customer Services field examiners to inspect the cemeteries in Miami-Dade County to ensure compliance with the care and maintenance requirements of Florida Statutes 497.262 and 497.005(9).

Section 2: Urges Chief Financial Officer Jeff Atwater to send Division of Funeral, Cemetery, and Customer Services field examiners to inspect the cemeteries in Miami-Dade County to ensure compliance with rule 69K-6.002.

Section 3: Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, Chief Financial Officer Jeff Atwater, the Chair and members of the Miami-Dade State Legislative Delegation, and Director Doug Shropshire of the Division of Funeral, Cemetery, and Customer Services.

The Prime Sponsor of the foregoing resolution is Senator Javier D. Souto. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman

Lynda Bell, Vice Chair

Bruno A. Barreiro

Jose "Pepe" Diaz

Sally A. Heyman

Jean Monestime

Sen. Javier D. Souto

Juan C. Zapata

Esteban L. Bovo, Jr.

Audrey M. Edmonson

Barbara J. Jordan

Dennis C. Moss

Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of September, 2013. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Christopher A. Angell

